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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,414	06/07/2000	Tunc M. Kahveci	10717RNUS01U	8459

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R. TODD MORGAN PLLC
103 BALSAMWOOD COURT
CARY, NC 27513

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

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DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,414

Applicant(s)

KAHVECI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Detail Action

1. This Office Action is in response to the Amendment A filed on 02/02/2004. Claims 1, 19-21 and 24-31 have been amended. Claims 22-23 and 32-39 have been cancelled. Claims 1-21 and 24-31 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US 6,341,353), herein after referred as Herman, in view of Katsube et al. (US 6,341,127), herein after referred as Katsube.**

4. As to claim 1, Herman teaches a computer system for managing data exchanges among plurality network nodes comprising:

a Transactor Server 20 (a Managed Packet Backbone Server "MPBS") provides transaction and ownership authentication to their clients, who maybe other Transactor servers, game servers, game users and Transactor users (Herman, Fig. 2, C4: L53-61);

consumer end-users 30 (at least one Customer Premises Equipment "CPE" node communicable with the Managed Packet Backbone Server "MPBS") comprise terminals 31, 32, and 33, and end-user individuals 35, 36, 37, and 38 communicate with the Transactor Server 20 (Herman, Fig. 2, C3: L59-64); and

an application service provider 50 (at least one Application Service Provider "ASP" node communicable with the Managed Packet Backbone Server "MPBS") maybe a general Internet service provider, a game specific service provider, an open network market-specific service, a closed or private network service, or any other service provided over a computer network (Herman, Fig. 2, C3: L59-64 and C4: L7-12); wherein

the Managed Packet Backbone Server "MPBS" (i.e., the Transactor Server 20) manages transactions among said at least one Customer Premises Equipment "CPE" node (i.e., consumer end-users 30) and said at least one Application Service Provider "ASP" node (i.e., application/game service provider 50) (Herman, Fig. 2, C4: L53-61).

However, Herman does not explicitly teach the managed packet backbone server (MPBS) reserving resources for communications among said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node.

In the related art, Katsube teaches a computer system for managing data exchanges among a plurality network nodes (IEEE 1394 nodes) in a managed packet

network (as in Fig. 13) comprising the digital broadcast storage server **107** functions to store prescribed programs from the received broadcast, reserves the communication resources (i.e., bandwidth, isochronous channel numbers) and delivers appropriate data in response to a request from a terminal in each residence room (i.e., CPE) (Katsube, Fig. 13, C22: L65-67 and C23: L1-14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Herman and Katsube to include a server to reserve resources in the managed packet network for communications among said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node since such methods were conventionally employed in the art to employ the source and destination addresses, policy management information, and resource utilization state to determine whether to set up, limit, or reject the data transmission in response to a user request (e.g., to determine a routing path between the necessary resources has sufficient bandwidth, authorization for performing the requested media service) to protect the network from misuse and unauthorized access.

5. As to claims 2-5, Herman-Katsube teaches the computer system of claim 1 wherein the at least one CPE (or ASP) node registers with the MPBS and the MPBS issues an authentication key to the at least one CPE (or ASP) node it registers (Herman, Fig. 3 and corresponding text, C6: L17-26).

6. As to claims 6-7, Herman-Katsube teaches the computer system of claims 4-5 wherein the MPBS stores profile information (i.e., the Transactor Server 20 stores consumer account information in the Database 10) pertaining to the at least one CPE (or APS) node it registers (Herman, C1: L55-67, C2: L1-3, C5: L9-12 and C7: L43-46).

7. As to claims 8-9, Herman-Katsube teaches the computer system of claim 6 wherein a request from the at least one CPE node to establish a session with the at least one ASP (or another CPE) node is managed by the MPBS (Herman, C6: L47-67 and C7: L1-17).

8. As to claims 10-12, Herman-Katsube teaches the computer system of claim 8 wherein:

the Transactor Server 20 validates the Transaction record and contents, e.g., appropriate user ID (private data containing user key, password, etc) and product information (i.e., verifies that the CPE node has a valid authentication key) (Herman, C6: L64-67 and C7: L1-13);

the consumer's TOM sends signals indicating an intent to purchase, along with the appropriate user ID and product information to the vendor's web site, (i.e., one of the at least one CPE nodes initiates a session with one of the at least one ASP nodes by sending a session request to the ASP node) (Herman, C6: L47-51);

the vender's server receives the purchase OK, repackages the existing unite with the consumer's ID, and then sends the object to the consumer or sends notification of where to download the object via FTP (i.e., one of the at least one ASP nodes verifies a received session token and establishes a session with one of the at least one CPE nodes if the session token is valid) (Herman, C7: L7-17).

9. Claims 13-21 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman, in view of Katsube, and further in view of Gregg et al. (US 6,516,416), herein after referred as Gregg.

10. As to claim 13, Herman-Katsube teaches the computer system of claim 12, but does not explicitly teach one of the at least one CPE nodes sends a session initiation message to the MPBS upon establishment of a session with one of the at least one ASP nodes.

In the related art, Gregg teaches the clearinghouse (authentication server) stores client and server identification data, including demographic data, URL data, usage data and billing information; authenticates the subscriber and server computers before an operating session occurs wherein the client (i.e., CPE) sends a session initiation message (Fig. 18, steps 140-154) to the clearinghouse user authentication server (i.e., MPBS) upon establishment of a session with the application server (i.e., ASP) (Gregg, C17: L19-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Herman-Katsube and Gregg to include the client sending a session initiation message to the authentication server upon establishment of a session with the application server because it would allow the managed (transactor/authentication) server to provide effective authentication and usage tracking for the session.

11. As to claim 14, Herman-Katsube-Gregg teaches the computer system of claim 13 wherein the server application invokes the appropriate service function to send the protected content to the user and the server application invokes the transaction monitor to send an end transaction message to the session validator (i.e., one of the at least one CPE (or ASP) nodes sends a session termination event message to the MPBS upon termination of a session) (Gregg, Fig. 19 and corresponding text, C18: L5-9).

12. As to claim 15, Herman-Katsube-Gregg teaches the computer system of claim 14 wherein the client messenger invokes the network user tracker to collect all network usage data and sends it to the usage tracking collector which then sends the network usage data to the clearinghouse's network usage tracking server and the server updates the clearinghouse database with the network usage data (i.e., one of the at least one CPE nodes sends data pertaining to the number and type of data packets received during a session with one of the at least one ASP nodes to the MPBS) (Gregg, Fig. 23 and corresponding text, C19: L54-60).

13. As to claims 16-18, Herman-Katsube-Gregg teaches the computer system of claim 15 wherein the MPBS calculates a fee based on the data pertaining to the number and type of data packets exchanged in a session and bills an account associated with one of the at least one CPE or ASP (Herman, C7: L1-6).

14. Claim 19 is a corresponding managed packet backbone server of claims 1-7, 10 and 15-16; therefore, it is rejected under the same rationale.

15. Claim 20 is a corresponding CPE node claim of claims 1-2, 4, 10-11 and 15; therefore, it is rejected under the same rationale.

16. Claim 21 is a corresponding ASP node claim of claims 1, 3, 5 and 10; therefore, it is rejected under the same rationale.

17. Claims 24-26 are corresponding computer program product claims of claims 19-21; therefore, they are rejected under the same rationale.

18. Claims 27-31 are corresponding method of exchanging data claims of claims 19-21; therefore, they are rejected under the same rationale.

Art Unit: 2141

19. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

20. Applicant's arguments as well as request for reconsideration filed on 02/02/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER